

COMBINED DECLARATION for PATENT APPLICATION
And POWER OF ATTORNEY
English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

NUCLEIC ACID AND AMINO ACID SEQUENCES RELATING TO
ENTEROBACTER CLOACAE FOR DIAGNOSTICS AND THERAPEUTICS

the specification of which

(check one)

/ / is attached hereto.

/ X / was filed on 18 February 1999

as Application Serial No. 09/252,691

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefit under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed:

Priority Foreign Application(s)			Priority Claimed	
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) Yes	// No	// Yes
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed) Yes	// No	// Yes

I hereby claim the benefit under Title 35, United States code, §119(e) of any United States provisional application(s) listed below.

60/074,787
(Application Serial No.)

18 February 1998
(Filing Date)

60/094,145
(Application Serial No.)

24 July 1998
(Filing Date)

The undersigned hereby appoints(s) the following U.S. attorneys to prosecute this application and any division, continuation, continuation-in-part, reexamination or reissue applications thereof, and to transact all business in the Patent and Trademark Office connected therewith: Henry N. Wixon, Reg. No. 32,073; Scott M. Alter, Reg. No. 32,879; Edward D. Grieff, Reg. No. 38,898; Hollie L. Baker, Reg. No. 31,321; James B. Lampert, Reg. No. 24,564; Michael J. Bevilacqua, Reg. No. 31,091; Wayne M. Kennard, Reg. No. 30,271; Donald R. Steinberg, Reg. No. 37,241; Michael A. Diener, Reg. No. 37,122 ; and Wayne A. Keown, Reg. No. 33,923,

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:

Keith G. WEINSTOCK

Keith G. Weinstock

First Inventor's signature

3/31/99

Date

Westborough, Massachusetts

Residence Address

UNITED STATES

Citizenship

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Full name of second inventor:

Craig DELOUGHERY

Second Inventor's signature

Date

Medford, Massachusetts

Residence Address

UNITED STATES

Citizenship

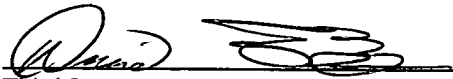
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Full name of third inventor:

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Third Inventor's signature

Date

9/14/99

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Full name of second inventor:

Craig DELOUGHERY

Craig DeLoughery
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Full name of third inventor:

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Third Inventor's signature

Date

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Somerville, MA 02144



Applicant or Patentee: WEINSTOCK et al.

Serial or Patent No.: 09/252,691

Filed or Issued: 18 February 1999

For: NUCLEIC AND AMINO ACID SEQUENCES FOR *ENTEROBACTER CLOACAE* FOR DIAGNOSTICS AND THERAPEUTICS

Attorney's

Docket No.: 107196.135

BEST AVAILABLE COPY

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CAR 1.9 (f) AND 1.27 (c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

☐ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Genomic Therapeutics Corporation

ADDRESS OF CONCERN 100 Beaver Street
Waltham, MA 02154

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CAR 121.3-18, and reproduced in 37 CAR 1.9 (d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: NUCLEIC AND AMINO ACID SEQUENCES FOR *ENTEROBACTER CLOACAE* FOR DIAGNOSTICS AND THERAPEUTICS by inventor(s) WEINSTOCK et al. described in:

☐ the specification filed herewith

☒ application serial no. 09/252,691, filed 18 February 1999

☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CAR 1.9 (d) or by any concern which would not qualify as a small business concern under 37 CAR 1.9 (d) or a nonprofit organization under 37 CAR 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CAR 1.27)

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

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I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CAR 1.28 (b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Christopher T. Kelly

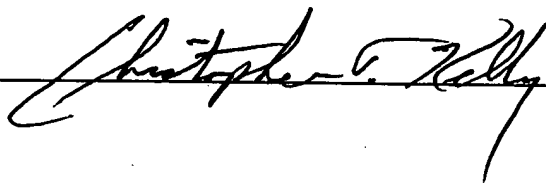
TITLE OF PERSON OTHER THAN OWNER

Senior Vice President of Strategic Planning/Business Development

ADDRESS OF PERSON SIGNING

100 Beaver Street
Waltham, MA 02154

SIGNATURE



DATE

4/1/99